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Agenda  
Regular Meeting  
February 10, 2016

Attendance: Mayor Kenneth Neilson, Council Members Troy Belliston, Kolene Granger, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Police Chief Jim Keith, IS Director Steve Whittekiend, Power Director Kelly Carlson, City Recorder Danice Bulloch, Audience: Jason Griffith, LeRoy Nisson, Janice Nisson, Jayden Smith, William Cassity, Elvira Cassity, Malynne Clayburn, Don Trotter, Roberta Trotter, Ronald Anderton, Muriel Anderton, Joe Osborne, Lawana Osborne, Anita Lindsay, Wayne Lindsay, Brittany Nielsen, Lucas Nielsen, Marcella Henrie, Ryan Robison, Mark Francis, Deanna Francis, Brian Musso, Randy Vorhies, Kim Cunningham, Kelly Cunningham, Eric Nielsen, Chester Swosinski, Tonya Neilson, Tolman Knighton, Mary Ann Jones, Lenny Jones, Chelsea Holt, Glen Maclellan, Amy Fife, Thomas Earle, Yvonne Earle, Tricia Webb, Lynda Swan, Ronald Swan, Kim Jameson, Martin Hanson, Norma Hanson, Trina Peterson, Tiffany Muscato, Shania Jensen, Harold Studly, Linda Simonson, Kurt Simonson, Jean VanRy, John VanRy, Jessica Wilstead, Travis Wilstead, Inge Boldt, Diane Ray, Mori Kessler, Dale Perkins, Patricia Perkins

Excused: Council Members Garth Nisson and Thad Seegmiller

Invocation: Council Member Granger

Pledge of Allegiance: Council Member Turek

**1. APPROVAL OF THE AGENDA**

*Council Member Granger made a motion to approve the agenda with the removal of the minutes, and move Item 7 to follow Item 5. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Turek</i>	<i>Aye</i>

**2. ANNOUNCEMENTS**

**A. Presentation of an award to Washington City for being a Solar Friendly City.  
Legend Solar.**

Shane explain they have moved to Washington and have grown 400% since 2011. Washington City has had an amazing rebate and opportunities for their citizens to go solar. It is a great time to go solar because there are so many financing options and helping for a greener tomorrow. They are donating \$500 to Washington City to plant trees in the park.

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. CONSENT AGENDA**

**APPROVAL OF MINUTES:** Consideration to approve the minutes from the City Council Meetings of 01/26/16 and 01/27/16.

*Removed*

**BOARD AUDIT REPORT:** Consideration to approve the Board Audit Report for January.

**ALCOHOL LICENSE:** Consideration to approve the Off-Premise License for Red Cliffs Station.

*Council Member Belliston made a motion to approve the consent agenda. Council Member Turek seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Turek</i>	<i>Aye</i>

**5. FINANCE UPDATE**

**A. Discussion and presentation of the FY 2016 2nd Quarter Finance update. Kimberly Ruesch Administrative Services Manager**

Administrative Services Manager Kimberly Ruesch reviewed the FY 2016 Quarter Finance Update for the 2nd Quarter.

**6. PUBLIC HEARINGS AND RELATED ORDINANCES**

**A. Public Hearing for consideration to approve General Plan Amendment request G-16-01, to change designation from LD (Low Density) to CCOM (Community Commercial), located at approximately 2000 South and Washington Fields Road. Applicant: Washington City**

Community Development Director Drew Ellerman reviewed:  
The applicant is seeking to amend the General Plan Land Use Map in the area located at the

northwest corner of 2000 South and Washington Fields Road. The requested area covers approximately 35(+) acres. The current Land Use designation is Low Density Residential (LD). The requested change is to the Community Commercial (CCOM) General Plan Land Use Designation, as shown in the exhibit attached to this report.

The request to amend these parcels, is for possible future commercial development in the area. The current surrounding General Plan Land Use designations are Low Density Residential to the south, east and west, also including Civic to the east (the two LDS Chapels), and Open Space to the north. Staff has reviewed the request and has no concerns with this proposal.

The Planning Commission, by a vote of 4-1, recommended denial of G-16-01 to amend the General Plan Land Use Map of approximately 35(+) acres from Low Density Residential (LD) to Community Commercial (CCOM), based on the motion that ..... “it doesn’t meet the character of the area”, to the City Council.

With that said, and after discussions with the property owner(s), the applicants wish to propose a much smaller request and proposal. The new proposal would be for a ten (10) acre area to be amended and only in the southeast corner (by the intersection of Washington Fields Road and Sandia Road (2000 South)). Also, the proposal would be changing from the Community Commercial to the Neighborhood Commercial General Plan Land Use designation. The change from Community to Neighborhood Commercial would mean that only the zoning designations of Administrative Professional and Community Commercial (C-1) could be applied for in any future zone change applications.

The General Plan describes the Neighborhood Commercial designation as “small commercial businesses catering primarily to users from their surrounding areas; buildings should be small scale to relate to surrounding residences. Uses should include convenience stores, gas stations, restaurants, professional offices, and video rentals. Neighborhood Commercial is often located at the intersections of neighborhood and arterial streets to take advantage of higher traffic volumes.”

Council Member Belliston stated the biggest concerns addressed at Planning Commission were having commercial next to residential, and the size of the parcel. He feels having a planned commercial in this area would be an ideal way to control what would be taking place.

Community Development Director Ellerman commented generally they receive applications for Planned Unit Developments. However, there is a commercial side to this as well. However, they have not had any applications for it at this point. Elevations, site plans, and landscaping are just a few of the items, which are approved at the zone change level.

Council Member Belliston asked if a Commercial PUD would be required to have open space. He sees benefit to a quality master planned commercial development with residential as well. He feels a straight C-3 zone would not be a good fit. If there is a PUD request, the Council has leverage to control what will be placed in the neighborhood.

Community Development Director Ellerman reviewed the approved General Plan regarding neighborhood commercial. Those areas or not specifically located on the land use map, but are

intended for busy intersections, such as this one, and would be reviewed on a case by case basis.

Council Member Turek stated part of the reason for this neighborhood commercial, is to follow the Vision Dixie Plan. This was proposed by the County, so residents were able to access small pockets of commercial without having to go through town for everything.

Council Member Granger asked if there are different policies in place for Commercial PUD zones.

Community Development Director Ellerman stated the Commercial PUD is a zone. However, it could be sectioned out in a chapter of its own, with specific guidelines. This may be something Council would want to change. The zone has always been in the code book, but has not been used, so unless you were aware of it, it would not be readily noticed.

Jason Griffith stated he is representing the Nisson Family. They would like to develop this parcel as commercial. This parcel makes the most logical sense to develop as commercial between Washington Fields and Telegraph.

Mayor Kenneth Nisson stated Washington Fields is a beautiful part of our City. It is hard to imagine any type of commercial in this area, but it when he was a young boy, it was hard to imagine houses out in the fields. It is unrealistic to think there will never be development, and the Council are trying to do what is best for our community.

Lenny Jones stated he lives in the Nichols Peak Subdivision. He has attended all of the hearings, and there is not anyone in his subdivision have ever stated move the commercial across the street. They are concerned about disturbance to daily life, and added crime. He feels there could be other commercial areas in the fields. Traffic will be horrible if access to the property is off of Sandia Road. Any time you have retail, there will be an increase in crime. He is also concerned the City is the one trying to get this amendment done.

Trina Peterson stated the roads are already too busy. She just moved to the fields and she loves it.

Brian Musso stated ten acres of commercial is a huge area. He does not know what the proposed developers are planning, but that is a lot of property. He does not believe anyone wants commercial in this area. On both sides of the new Mall Drive is going to be commercial. He does not know why anyone would want to put even more. He feels this should be higher density, but still remain single family residential. There is no place in Washington City, where you can purchase affordable housing.

Don Trotter stated there is nobody here who wants a gas station in the area. It was made clear at the past meetings when a request came in on the other side of the street, and everyone said they do not want it. Commercial could go out at Staheli Farms because there are not homes all around the property. There is also property all around the airport that can be commercial. All of the residents here do not have a problem driving 15 minutes to go to the store. It is not fair to put commercial out here when everyone in the neighborhood does not want it. He does not feel there would be much different between the sales tax, and changing all the property taxes to homes, and

getting property tax.

Council Member Belliston stated he has had residents tell him they want commercial of some type in the area.

Mr. Trotter stated at least 90% of the residents do not want commercial.

Council Member Belliston asked if Red Barn were to locate on this property, would they still be opposed.

Mr. Trotter stated he would be opposed. They do not want commercial at all. They love the cows and horses, and love the smell. They do not want to smell gasoline.

Diane Ray stated if you allow commercial to start, then someone else will want more. Eventually, all of the property will be changed. There are children, and school buses. This should remain residential.

Ryan Robertson appreciate the discussion, but he fears the Council is hearing a smaller size of commercial would be okay. The residents are saying they do not want any commercial.

Council Member Turek stated the original General Plan noted high traffic intersections could be designated as commercial.

Mr. Robertson asked if Costco and Lins used to be in the City of Washington, because he had heard they were, and Washington let them go to St. George City.

Mayor Neilson stated those areas were never in Washington City.

City Manager Roger Carter reviewed the Annexation Boundary Policy Plan.

Mr. Robertson stated it might be time to have another conversation about the fields area.

City Manager Carter stated they are looking at doing a new General Plan. However, until such time, it is the plan they have to use.

Mr. Robertson asked what the percentage of revenue comes from Sales Tax.

City Manager Carter stated the State has set it up so as the biggest funding for municipalities is sales tax. Property tax actually brings in very little. A fast growing community requires additional money, and if there is not enough sales tax, there is a possibility of an increase in property tax to cover the costs.

Mr. Robertsons stated the fields is a destination for residential. If you change the area to commercial, the citizens who live there will move because it will no longer be a draw to those individuals who live there.

Inge Boldt stated this is her home in the summer. She does not want the commercial. She loves

the area now, and if it is taken away she will be very upset.

Glen Maclellan stated he has lived all over the United States. This is a family oriented area, and they want it to stay that way. Every commercial structure next to residential gets walled in. It is only two miles to Telegraph from this corner, and there is no need to have commercial here on this corner. He wants this property to stay residential.

Shania Jensen asked if the field is being taken out to put in gas stations and markets.

Council Member Turek stated the General plan is planning the future of the field, when the time comes they no longer want to farm the field.

Ms. Jensen stated when you drive through a town you notice the beautiful things that stick out, not the gas stations and stores. She moved here because it reminds her of home. The people who chose to live here because it is quiet.

Gale Perkins stated he moved here about a year ago. He is completely opposed to commercial because it devalues the homes. There are plenty of areas south where commercial can go, where there are not any houses. He loves living here, and wants the area to stay residential.

Burke Staheli stated he feels this request has been rigged because the request went from 43 acres to 10 acres. He appreciates Roy Nisson, and everything he has done for this community. He believes in landowners rights, but this is not the place for commercial. He believes the decision the Council made across the street to keep the property residential was the right one, and he feels keeping this residential would be the right decision too. He wants all of the surrounding owners of this property to be given the same consideration as the people across the street were given. Time and growth will bring the commercial to the fields, but this is not the right place. Businesses will not succeed right here because everyone is going somewhere else to shop. He wants to keep the fields as the jewel of Washington City.

*Council Member Granger made a motion to close the public hearing. Council Member Turek seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye*

*Council Member Granger     Aye*

*Council Member Turek     Aye*

Council Member Turek explained one of the recommendation made with the new Council Member was to make the final vote in two weeks. As a Council they determined it would be appropriate to have the time to consider all of the public input, and allow for time to go out and look at the area, and consider what the citizens have brought to their attention.

Mr. Burke Staheli stated if this was the case it should have been brought to the attention during the public hearing. He feels this is done so changes can be make and less people will be able to attend. It feels like this is being done different because the proposal was made by the City.

Council Member Granger stated this was her idea. She feels often when there is a public hearing

she is not aware of all of the issues. This additional time will allow her to go out and look at the property, and the surrounding area, so she can make an informed decision. She feels it will make her a better Council Member.

City Manager Carter stated the Council feels this change is for the better.

## **7. FINAL PLAT**

### **A. Consideration to approve the Final Plat for NuTeam Industrial Park, located at approximately 1800 East 1250 South. Applicant: James Jessop**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the NuTeam Industrial Park subdivision, located at approximately 1800 East 1250 South. This particular subdivision is proposing 6 lots on an area covering 4.53 acres. The specific location of this subdivision is zoned Heavy Industrial (I-2). The Preliminary Plat was approved back on April 22, 2015.

The Planning Commission unanimously recommended approval of the Final plat for the NuTeam Industrial Park subdivision to the City Council, based on the following findings and subject to the following conditions:

#### **Findings**

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved amended preliminary plat.

#### **Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Council Member Belliston stated this development is mostly built.

Community Development Director Ellerman stated they have one year to complete the development. At that time, if all improvements are not installed, the developer will be required to bond.

*Council Member Turek made a motion to approve the Final Plat for NuTeam Industrial Park, located at approximately 1800 East 1250 South with the findings and conditions of Staff and as recommended by the Planning Commission. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Turek     Aye*

## **8.     APPOINTMENTS**

### **A.     Recommendation and consideration to appoint member to the Power Board. Mayor Kenneth Neilson**

Mayor Nielson reviewed the names of the individuals he would like to serve on the Power Board.

Council Member Granger stated she appreciated all those who are willing to serve.

Council Member Turek commented he appreciates there are individuals from all areas served by Washington City Power.

*Council Member Granger made a motion to appoint the following members to the Washington City Power Board: One Year Term - Michael Dinsmore and Daniel Cluff, Two Year Term - Brett Labrum and Todd Maxwell, Three Year Term - Robert Sandberg, Michael Anderson and Roger Bundy. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Turek     Aye*

*Council Member Turek made a motion to appoint Roger Bundy as the Power Board Chairman. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Turek     Aye*

## **9.     REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Council Member Turek attended the Transportation Expo at the Dixie Center. There is a significant amount of planning, which goes into the planning of future traffic. It was very informative.

Council Member Granger noted she has been spending a few hours each Monday watching Legislature with City Attorney Jeff Starkey. She appreciates the information.



**10. CITY MANAGER REPORT**

City Manager Roger Carter updated Council on current projects within the City. The concern remains for the Telegraph Road failure. However, at this point, there is no movement on the power transmission line. They will continue to monitor the situation, until an appropriate resolution can be made.

**11. ADJOURNMENT**

*Council Member Turek made a motion to adjourn the meeting. Council Member Granger seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Turek     Aye*

*Meeting adjourned at 8:26 P.M.*

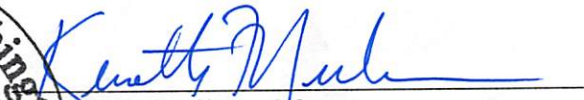
Passed and approved this 23rd day of March, 2016.

Washington City

Attest by:

  
Danice B. Bulloch, City Recorder



  
Kenneth F. Neilson, Mayor